

## Josh Bernstein, P.C.

### Civil Rights & Employment Law

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February 13, 2024

The Honorable Sarah L. Cave  
United States District Court, Southern  
Daniel Patrick Moynihan Courthouse  
500 Pearl St., Room 1670  
New York, NY 10007

The parties' respective requests to adjourn the February 15, 2024 settlement conference are DENIED. The settlement conference will proceed as scheduled. The issues raised in the parties' joint letter at ECF No. 106 may be discussed at the outset of the settlement conference.

The Clerk of Court is respectfully directed to close ECF No. 106.

SO ORDERED. 2/14/2024

  
SARAH L. CAVE  
United States Magistrate Judge

*Daniel Abbott, et al. v. Comme des Garcons, Ltd., et al.*, Index No. 21 cv 4929

Judge Cave,

I represent Plaintiffs Daniel Abbott et. al. in the above-captioned matter scheduled for a settlement conference on February 15, 2024, and write to bring to the Court's attention that Defendants do not intend to bring any corporate representatives with actual authority to the settlement conference, in violation of ¶ 7 of your Honor's Standing Order Applicable to Settlement Conferences.

"Corporations, and any other party that is not a natural person, and insurers must send to the conference the person ultimately responsible within the organization for giving settlement authority, not someone who has received authority from someone else." Standing Order Applicable to Settlement Conferences Before Magistrate Judge Cave, ¶ 7.

After receipt of Defendants' pre-settlement conference submission and attendance form, it came to my attention that the only corporate representative that would be attending the conference is James Gilchrist (it is my understanding that individual defendant Elaine Beuther no longer works for the corporate Defendants). This, coupled with a reference in Defendants' pre-settlement submission to hope that the case would be resolved "comfortably within the settlement authority we have been granted" (page 1, last sentence before "background") made clear that Defendants did not intend to comply with ¶ 7 of your Honor's Standing Order.

On February 12, 2024, I wrote to opposing counsel raising the issue that it does not appear that Defendants intend to bring someone with actual authority to the conference. In the interest of proceeding with the conference in good faith, I merely